

REMARKS

Applicant acknowledges the allowability of dependent claims 5-8, 18-21, and 28 as indicated the Office Action. Applicant has amended claims 5, 18, and 28 to incorporate all the features of their bases claims and any intervening claims. New claims 46-48 have been added to the patent application.

Claims 1-48 are now pending in the patent application. Claims 1, 5, 18, 22, 23, 28, 45 have been amended. No new matter has been added by virtue of these amendments, such that the claims are in condition for entry at this time.

I. Abstract

In the Office Action, the Abstract was objected to for exceeding 150 words. A substitute Abstract is submitted herewith that satisfies M.P.E.P. § 608.01(b).

II. Claims 1-4, 9, 22, 23, and 29 are not Anticipated by Stemmons

In the Office Action, claims 1-4, 9, 22, 23, and 29 are rejected under 35 U.S.C. §102(b) as being anticipated by Stemmons et al. (U.S. Patent No. 4,839,531). Claims 1 and 22 have been amended to clarify the pre-existing scope of the claim.

Based on Applicant's review, all the features of claim 1, as amended, are not shown by Stemmons. For example, claim 1 recites a converter that is configured to transmit power between the cables. Stemmons is only concerned with data conversion between an unbalanced coaxial transmission line and a balanced conductor. Stemmons does not show or suggest what has been recited in claim 1, as amended. Accordingly, all of the features of claim 1 are not shown or suggested by Stemmons.

Additionally, claims 2-4 and 9, which depend from claim 1, recite further features not disclosed or known in the cited prior art, particularly when considered in combination with the unique features of corresponding independent claim 1. Reconsideration and withdrawal of the rejection of claims 2-4 and 9 are requested.

Based on Applicant's review, all the features of claim 22, as amended, are not shown by Stemmons. For example, claim 22 is not shown or suggested at least for the same reasons as provided above in connection with claim 1.

Additionally, claim 23, which depends from claim 22, recites further features not disclosed or known in the cited prior art, particularly when considered in

combination with the unique features of corresponding independent claim 22. For example, Stemmons does not show or suggest first and second blocking capacitors that are configured to substantially restrict passage of power. In the Office Action, the Examiner relies on a Faraday shield that is implemented in Stemmons to provide the blocking capacitors of claim 23. However, the Faraday Shield of Stemmons, which is typically not considered a blocking capacitor, is not in electrical communication with a transformer as is recited in claim 23. Reconsideration and withdrawal of the rejection of claim 23 is requested.

Claim 29, which depends from claim 27, recites further features not disclosed or known in the cited prior art, particularly when considered in combination with the unique features of corresponding independent claim 27, discussed below. Reconsideration and withdrawal of the rejection of claim 29 are requested.

III. Claims 10, 24-25, 27, 31, 32, and 34-43 are not Obvious in view of Stemmons and Fisher

In the Office Action, claims 10, 24-25, 27, 31, 32, and 34-43 are rejected under 35 U.S.C. §103(a) as being obvious in view of Stemmons and Fisher et al. The Office Action does not specify the U.S. Patent number for Fisher et al., but rather identifies it by stating that it was cited in an IDS. There are more than one Fisher patent identified in Applicant's previously filed information disclosure statements. In responding to this rejection, Applicant understands the intended Fisher patent to be U.S. Patent No. 5,994,998.

Claim 10, which depends from claim 1, recites further features not disclosed or known in the cited prior art, particularly when considered in combination with the unique features of corresponding independent claim 1 as for example mentioned above. Reconsideration and withdrawal of the rejection of claim 10 are requested.

Claims 24 and 25, which depend from claim 22, as amended, recite further features not disclosed or known in the cited prior art, particularly when considered in combination with the unique features of corresponding independent claim 22, as amended, as for example mentioned above. Reconsideration and withdrawal of the rejection of claim 10 are requested.

All the features of independent method claim 27 are not shown or suggested by Stemmons and Fisher. For example, all of the method elements of claim 27 are not shown in Stemmons or Fisher. For example, Stemmons, Fisher, and their

combination does not show "transmitting the differential data and the power to a second cable" as well as other claim elements. Fisher shows that decouplers 170 in FIG.1 of Fisher receive power and data on cable 160 but this does not show transmitting the differential data and the power to a second cable. Such functionality is also not shown by Stemmons. Accordingly all the features of claim 27 are not shown or suggested by Stemmons and Fisher.

Claims 31, 32, 34, and 35, which depend from claim 27, recite further features not disclosed or known in the cited prior art, particularly when considered in combination with the unique features of corresponding independent claim 27. Reconsideration and withdrawal of the rejection of claims 31, 32, 34, and 35 are requested.

All the features of claim 36 are not shown or suggested by Stemmons in view of Fisher. Stemmons and Fisher, neither individually or in combination, show or suggest a distribution device that includes the switch feature of claim 36. Accordingly, all the features of claim 36 are not shown or suggested by Stemmons and Fisher.

Claims 37-43 which depend from claim 36, recite further features not disclosed or known in the cited prior art, particularly when considered in combination with the unique features of corresponding independent claim 36. Reconsideration and withdrawal of the rejection of claims 37-43 are requested.

IV. Rejections that include Anderson under Section 103

In the Office Action, claims 11-15, 26, 30, and 44-45 are rejected under 35 U.S.C. §103(a) as being obvious in view of Stemmons and Anderson et al. (U.S. Patent No. 6,667,967). In addition, claims 16 and 17 are rejected under 35 U.S.C. §103(a) as being obvious in view of Stemmons, Anderson, and Fisher.

Anderson is not available as prior art. Anderson issued on December 23, 2003, after the current application was filed on December 27, 2000, which makes it prior art only under 35 U.S.C. § 102(e). Based on a conversation with Jock Andrews, who is one of the inventors of the Anderson patent, the Anderson patent and the present application were, at the time of invention of this application, owned by, or under an obligation of assignment to the same entity. Importantly, 35 U.S.C. § 103(c) prohibits such "102(e)" prior art from being used against another commonly owned application for an obviousness rejection. See M.P.E.P. §§ 706.02(k) and (l)(2).

Since Anderson is not available as prior art against the present application, this rejection under 35 U.S.C. § 103(a) is improper due to 35 U.S.C. § 103(c), and Applicants respectfully request that it be withdrawn.

Additionally, dependent claims 11, 26, 30, and 44-45 recite further features not disclosed or known in the cited prior art, particularly when considered in combination with the unique features of their corresponding independent claims. Reconsideration and withdrawal of the rejection of claims 11, 26, 30, and 44-45 are requested.

V. Claims 33 and 45

In the Office Action, claim 33 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claim in response to the rejection to insert the language "Neighborhood Area Network" in place of the acronym NAN, which acronym has a meaning that is well known in the art and supported in the specification as filed.

Claim 45 has been amended to correct an inadvertent error in listing its dependency. The claim as filed depended from claim 12. The claim as amended depends from claim 42.

It is noted that none of the foregoing amendments to claims 33 and 45 narrow substantive claim scope. These changes are merely to address formalities and inadvertent typographical errors. Thus, no prosecution history estoppel should result.


VI. New Claims 46-48

New Claims 46-48 are patentably distinct from the cited references. Allowance of claims 46-48 are respectfully requested.

VII. Conclusion

For the foregoing reasons, all of the claims are submitted as patentable over the cited art in the rejections and respectfully requests an indication of allowance. Reconsideration of the rejections are respectfully requested. The Examiner is invited to contact the undersigned telephonically if any additional information is required or if an interview might expedite the prosecution of this application.

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